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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,245	01/26/2004	Feng Cao	062891.1187	4163
5073	7590	08/18/2010		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER ZENATI, AMAL S	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 08/18/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/766,245

**Applicant(s)**

CAO ET AL.

**Examiner**

AMAL ZENATI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-40 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Consider **Claims 1, 6, 9, 14, 17, 22, 23, 26, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6,922,786 B1)** in view of **Halme et al (Patent No.: US 6,280,540 B2; hereinafter Halme)** and further in view of **Allen (Pub. No.: US 2001/0032271 A1)**

Consider **claims 1, 9, 17, and 27**, **Ong** clearly shows and discloses a method, an apparatus, and a system for tracking telecommunication services comprising: a network interface operable to receive a call, wherein the call includes a call identifier (col. 5, lines 10-14); a memory operable to store a filter list, wherein the filter list identifies filter statuses (filter characteristics/information) associated with one or more call identifiers (col. 1, lines 51-55; and col. 4, lines 10-15); a processor operable to determine a filter status of the call based on at least the filter list (col. 2, lines 45-53; col. 3, lines 55-66); a filter node operable to: receive a call, wherein the call includes a call identifier (col. 5, lines 10-14); determine a filter status of the call (col. 5, lines 14-17; and col. 6, lines 20-23); and transmitting the filter statuses of

the call (filtering characteristics /information) to a first node by using a control protocol (*control protocol such as Media Gateway Control protocol MEGACO which is the standard protocol for interfacing between hosts and call agents called Medial Gateway Controllers and Media Gateways e.g. an IP telephone and the PSTN*) conforms to a protocol that primarily communicates tracking information (col. 4, lines 49-53; and col. 5, lines 14-18); and a plurality of network nodes, each network node operable to receive the call and to take a filter action based on the filter status of the call (col. 4, lines 1-15; fig. 1); forwarding the call to the second node (fig. 1); However, **Ong** does not specifically disclose transmitting the filter statuses of the call to a first node and a second node by using a notification message wherein the notification message identifies the call identifier and the filter status of the call; and a plurality of network nodes, each network node operable to receive the call and to take a filter action based on the filter status of the call; and forwarding the call to the second node

In the same field of endeavor, **Halme** clearly specifically discloses transmitting the filter statuses of the call to a first node and a second node by using a notification message wherein the notification message identifies the call identifier and the filter status of the call; and a plurality of network nodes, each network node operable to receive the call and to take a filter action based on the filter status of the call (col. 1, lines 52-66; and col. 9, lines 6-20; col. 11, lines 30-56; col. 15, lines 10-35; col. 19, lines 55-67; and col. 20, lines 1-10; and claim 9)

**Halme** discloses the above for the purpose of distributing data packets for flexible sharing and balance load relating to communication connection (col. 5, lines 20-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use transmit notification messages wherein the notification message identifies the call identifier as taught by Halme in Ong, in order to distributing data packets for flexible sharing and balance load relating to communication connection.

**Ong and Halem** teaches the data packets are distributed to nodes of the network element according to the distribution decision; allocation of distribution decisions to corresponding nodes is defined beforehand and may be changed dynamically (*therefore, it is obvious that the corresponding nodes include the origination node/first node from which the call packet was received in order to allow the originating/first node to direct the call packet to the second node; however, Examiner uses Allen for further clarification*) (Halem: col. 10, lines 45-58). However, Ong and Halem do not specifically disclose the limitation from which the call packet was received.

In the same field of endeavor, **Allen** specifically discloses transmitting the filter statuses of the call to a first node from which the call packet was received and a second node by using a notification message wherein the notification message identifies the call identifier and the filter status of the call (*Allen teaches once the originating node/first node receives its path establishment confirmation message/notification message, the associated Bloom filter will represent a complete condensed description of established path across the network*) (paragraphs: 0029, 0030, 0031, 0037, and 0038; and fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send a notification message to the first node from which the call packet was received as taught by Allen in Halem and Ong, in order to establish a path across the network starting from the origination node to the terminating node (paragraphs: 0022 and 0031)

Consider **claim 6, 14, and 22**, **Ong and Halme** show the method, the apparatus, and the system, wherein determining a filter status of the call comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, a network address associated with the call, and a carrier associated with the call (Ong: col. 6, claim 9).

Consider **claim 23, Ong and Halme** show the system, wherein the filter node comprises one of a plurality of filter nodes (Halme: col. 3, lines 30-60).

Consider **claim 29, 33, and 37, Ong and Halme** show the method, further comprising determining a filter action associated with the call based, at least in part, on the filter status of the call (Halme: col. 3, lines 30-60).

Consider **claim 30, 39, and 38, Ong and Halme** show the system, wherein the filter action comprises selecting an alternate path to a destination node of the call (Halme: col. 3, lines 30-60; col. 19, lines 55-67).

Consider **claim 31, 35, and 39, Ong and Halme** show the method, wherein the filter action comprises delivering the call to a destination node and a third node (Ong: col. 6, claim 9; Halme: col. 3, lines 30-60; and col. 20, lines 33-37).

3. Consider **Claims 2 - 5, 10 - 13, and 18 - 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6922786 B1)** in view of **Halme et al (Patent No.: US 6,280,540 B1; hereinafter Halme)** further in view of **Allen (Pub. No.: US 2001/0032271 A1)** and further more in view of **Rosenberg (Telephony Routing Over IP TRIP, November, 2000)**

Consider **claim 2, 10, and 18, Ong, Halem, and Allen** disclose the claimed invention above but lack teaching the method and the apparatus, further comprise: receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (col. 4, lines 49-63)

In the same field of endeavor, **Rosenberg** clearly specifically discloses the method and the apparatus, further comprise: receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (Telephony Routing Over IP (TRIP): section 4.2)

**Rosenberg** discloses the above for the purpose of confirming the identification of a node that should receive messages (Telephony Routing Over IP (TRIP): section 4.2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node as taught by Rosenberg in Halem and Ong, in order to confirm the identification of a node that should receive messages.

Consider **claims 3, 11, and 19, Ong, Halem, Allen, and Rosenberg** show the method, the apparatus, and the system wherein the open message identifies a hold time for which the open message is valid (Telephony Routing Over IP (TRIP): section 4.2).

Consider **claim 4, 12, and 20 Ong, Halem, Allen, and Rosenberg** show the method, the apparatus, and the system further comprising receiving keepalive messages from the identified node, wherein the keepalive messages indicate that the identified node is still operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node based on whether a keepalive message has been received within a predetermined time period (Telephony Routing Over IP (TRIP): section 4.4 and page 56).

Consider **claim 5, 13, and 21, Ong, Halem, Allen, and Rosenberg** show the method, the apparatus, and the system, wherein each keepalive messages identifies a hold time for which the keepalive message is valid (Telephony Routing Over IP (TRIP): section 4.4 and page 56).

Consider **claim 32, 36, and 40, Ong, Halem, Allen, and Rosenberg** show the method, wherein the open message further identifies one or more types of filter statuses that the network node is capable of receiving and one or more types of messages that the network node is capable of receiving (Telephony Routing Over IP (TRIP): section 4.4 and page 56; and Halem: col. 11, lines 10-20).

4. Consider **Claims 7, 8, 15, 16, 24, 25, 26, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6922786 B1)** in view of **Lavigne et al (Patent No.: US 6,674,734 B1; hereinafter Lavigne)** and further in view of **Allen (Pub. No.: US 2001/0032271 A1)**

Consider **claim 7, 15, 24, and 28, Ong** shows the method, the apparatus, and the system for tracking telecommunication services comprising: receiving a request message from a remote node, wherein the request message includes a call identifier; determining an acknowledgement message (decision message) to the remote node, wherein the acknowledgement message identifies the filter status and wherein the acknowledgment message conforms to a protocol that primarily communicates tracking information (col. 4, lines 56-63); However, **Ong** does not specifically disclose *(the communication system 10 includes multiple filter nodes 40)* receiving a request message at a first filter node from a remote node, wherein the request message includes a call identifier; a processor operable to determine whether the filter list identifies a filter status associated with the call identifier included in the request message (fig. 3); and in response to receiving the request message determining whether the first filter



node possesses a filter status associated with the call identifier in response to determining that the first filter node possesses a filter status associated with the call identifier; and in response to determining that the first filter node does not possess a filter status associated with the call identifier, indicate to the remote node a second filter node that possesses a filter status associated with the call identifier.

In the same field of endeavor, **Lavigne** specifically discloses receiving a request message at a first filter node from a remote node, wherein the request message includes a call identifier (col. 2, lines 55-67; col. 6, lines 29-67); in response to receiving the request message determining whether the first filter node possesses a filter status associated with the call identifier in response to determining that the first filter node possesses a filter status associated with the call identifier (col. 3, lines 16-67; col. 4, lines 31-60; col. 5, lines 20-51; fig. 3 and fig. 1: node 140 corresponding to node 30/remot node, nodes 160 corresponding to filter nodes/nodes 40); and in response to determining that the first filter node does not possess a filter status associated with the call identifier, indicate to the remote node a second filter node that possesses a filter status associated with the call identifier; **Lavigne** clearly teaches request messages are sent to multiple nodes 160/filter nodes (col. 5, lines 35-46) (*the original specification page 27 lines 20-22 indicates "if the communication system 10 includes multiple filter nodes 40 that node 30 may send request message to all filter nodes 40" as a result, the step of "indicating to the remote node a second filter node that possesses a filter status associated with the call identifier" solves no stated problem since node 30 already sent request message to all filter nodes 40; thus, there is no need to indicate which filter node 40 possesses a filter status associated with the call identifier. Therefore, it would have been an obvious matter of design choice within the skill of the art. In re Launder, 42 CCPA 886, 222 F.2d 317, 105 USPQ 446 (1955).*

)

Lavigne discloses the above for the purpose of determining and forwarding packets to the selected node based on table information and the filter value in multiple filter nodes system (col. 1, lines 55-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use more than one filter node for forwarding packets as taught by Lavigne in Ong, in order to determine which filter nodes have the table information and the filter value for forwarding packets.

However, Ong and Lavigne do not specifically disclose the limitation from which the call packet was received.

In the same field of endeavor, Allen specifically discloses transmitting the filter statuses of the call to a first node from which the call packet was received and a second node by using a notification message wherein the notification message identifies the call identifier and the filter status of the call (*Allen teaches once the originating node/first node receives its path establishment confirmation message/notification message, the associated Bloom filter will represent a complete condensed description of established path across the network*) (paragraphs: 0029, 0030, 0031, 0037, and 0038; and fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send a notification message to the first node from which the call packet was received as taught by Allen in Halem and Ong, in order to establish a path across the network starting from the origination node to the terminating node (paragraphs: 0022 and 0031)

Consider claims 8, 16 and 25, Ong, Lavigne, and Allen, show the method, the apparatus, and the system, wherein determining a filter status associated with the call identifier comprises determining a

filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, and a carrier associated with the call (Ong: col. 6, claim 9).

Consider **claim 26, Ong, Lavigne, and Allen** show the system, wherein the filter node comprises one of a plurality of filter nodes ( Ong col. 3, lines 50-55).

### ***Response to Arguments***

3. The present Office Action is in response to Applicant's amendment filed on June 07, 2010.

Applicants have amended Claims 1, 7, 9, 15, 17, 24, 27, and 28; claims **1 – 40** are now pending in the present application.

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/  
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Patent Examiner, Art Unit 2614

August 13, 2010

